



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JIMMY LEROY RAMSEYER,  
Plaintiff,

v.

PAT GLEBE,  
Defendant.

CASE NO. C12-5317 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 21) and Plaintiff Jimmy Leroy Ramseyer's objections to the R&R (Dkt. 22).

On September 26, 2012, Judge Creatura issued the R&R recommending that the Court transfer Ramseyer's petition to the Ninth Circuit because it is a second or successive petition by Ramseyer. Dkt. 21. On October 9, 2012, Ramseyer filed objections arguing that his first petition (Cause No. 3:05-cv-05006-FDB) was not decided on the merits. Dkt. 22. The Court has reviewed the first petition, concludes that it was explicitly decided on the merits, and finds Ramseyer's objections without merit.

1 Therefore, the Court having considered the R&R, Ramseyer's objections, and the  
2 remaining record, does hereby find and order as follows:

3 (1) The R&R is **ADOPTED**; and

4 (2) This Clerk shall transfer this matter to the Ninth Circuit and close this case.

5 Dated this 6 day of November, 2012.

  
6 BENJAMIN H. SETTLE  
7 United States District Judge  
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